IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 2354/2005
(Jagdish Chandra Sharma Vs. State of Rajasthan)

Date of Order : 13/02/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. V.K.Sharma for the petitioner.
Mr. Rameshwar Dave, Dy. Govt. Advocate for respondent.

BY THE COURT:-

Heard learned counsel for the petitioner and the Deputy Government Advocate for the respondent State.

By the instant writ petition, the petitioner has challenged the order dated 30.12.2002 Annex.3 whereby the petitioner was placed under suspension during contemplation of the criminal case against him under the provisions of Prevention of Corruption Act and IPC. The order of suspension is appealable under Rule 22 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 which provides that a Government servant may appeal against an order of suspension to the authority to which the authority which made or is deemed to have made the order, is immediately subordinate. The instant

writ petition has been filed assailing the order of suspension without availing the alternative remedy of appeal which is efficacious in nature.

In the circumstances, therefore, the writ petition deserves to be dismissed on the ground of availability of alternative remedy.

The writ petition is accordingly dismissed. Interim stay order is vacated and stay petition also stands dismissed. There shall be no order as to costs.

(H.R.PANWAR),J.

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